

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

DATA MARKETING PARTNERSHIP, LP,
et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
LABOR, et al.,

Defendants.

)
)
)
)
) Civil Action No. 4:19-cv-00800-O
)
)
)
)
)
)
)

DEFENDANTS' CROSS-MOTION FOR SUMMARY JUDGMENT

Pursuant to Fed. R. Civ. P. 56 and the Court's February 17, 2020 Scheduling Order, ECF No. 19, Eugene Scalia, Secretary of the U.S. Department of Labor, the U.S. Department of Labor, and the United States (collectively, "Defendants"), cross-move for summary judgment in the above-captioned action on the grounds stated in Defendants' accompanying brief, which sets forth the matters required by Local Rule 56.3(a). Defendants' combined brief in support of Defendants' cross-motion for summary judgment and in opposition to Plaintiffs' motions for summary judgment and for temporary restraining order and preliminary injunction, and a proposed order are submitted herewith.

Dated: March 9, 2020

Of Counsel:

KATE S. O'SCANNLAIN
Solicitor of Labor

G. WILLIAM SCOTT
Associate Solicitor

GLENN M. LOOS
Counsel for Litigation

KATRINA LIU
Trial Attorney
United States Department of Labor
Office of the Solicitor

Respectfully submitted,

JOSEPH H. HUNT
Assistant Attorney General

BRAD P. ROSENBERG
Assistant Director
Civil Division, Federal Programs Branch

/s/ Galen N. Thorp
GALEN N. THORP (VA Bar # 75517)
Senior Counsel
United States Department of Justice
Civil Division, Federal Programs Branch
1100 L Street NW
Washington, D.C. 20530
Tel: (202) 514-4781 / Fax: (202) 616-8460
galen.thorp@usdoj.gov

Counsel for Defendants

CERTIFICATE OF SERVICE

On March 9, 2020, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all parties to this action electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Galen N. Thorp
GALEN N. THORP